

COPY

MOTION FOR CONTINUANCE

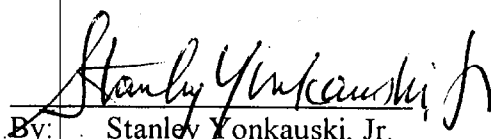
NOW comes the Illinois Department of Natural Resources by its attorney, Stanley Yonkausk, Jr. and moves the Illinois Commerce for a CONTINUANCE in the above captioned matter and in support of this motion states as follows:

1. That a hearing on the two complaints in this case is set for October 24, 2000.
2. That the Department received no notice of the complaint from the Commission or the Complainants. The Department only indirectly learned of the existence of the complaints on October 16, 2000 even though the Department is identified in Complaint No. T00-0084 as a possible party in interest.
3. The Department has a significant interest in this matter as demonstrated in its Petition to Intervene filed contemporaneous with this motion.
4. That there is insufficient time between the time Department personnel learned of the Complaint and the hearing date and time to investigate the matter and to prepare a defense of its interests being adjudicated by the Commission.
5. That the significant interests of the Department would be irrevocably injured if an adverse decision is made in this matter.
6. That the Railroad bridge complained of has been present in Macoupin County for many years and has not actively been used for railroad purposes for more than a year. A delay in the instant proceedings will not effect any additional adverse impact to the interests of the Complainants.

Now therefore, the Department prays that the Commission grant this motion for continuance and reset the hearing for some date in the future that is convenient for all parties and the Commission.

Dated this 16th Day of October 2000.

Respectfully Submitted:
Illinois Department of Natural Resources

By: 
Stanley Yonkausk, Jr.
Legal Counsel

DOCKETED

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

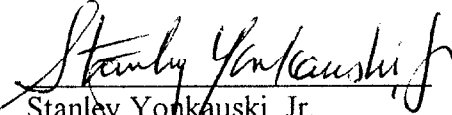
JAMES W. PITCHFORD)	
MACOUPIN COUNTY HIGHWAY DEPARTMENT)	
TOM REINHART, COUNTY ENGINEER)	
)	
v.)	T00-0084
)	T00-0085
UNION PACIFIC RAILROAD COMPANY)	
)	
Complaint against Union Pacific Railroad Company)	
as to public safety of an abandoned bridge.)	

NOTICE OF FILING

TO: Attached Service List

PLEASE TAKE NOTICE that on this day we have filed the Illinois Department of Natural Resources' PETITION FOR LEAVE TO INTERVENE, and MOTION FOR CONTINUANCE with Ms. Donna Caton, Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62794.

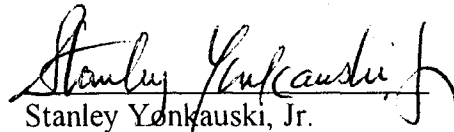
Date: October 16, 2000


Stanley Yonkauskis, Jr.
Legal Counsel

Stanley Yonkauskis, Jr.
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Illinois Department of Natural Resources
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(217) 782-1809

CERTIFICATE OF SERVICE

Stanley Yonkausk, Jr. hereby certifies that he is one of the attorneys representing the Illinois Department of Natural Resources and that the original and eleven (11) copies of the Illinois Department of Natural Resources' PETITION FOR LEAVE TO INTERVENE, and MOTION FOR CONTINUANCE were filed with Ms. Donna Canton, Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62794, on October 16, 2000, and that a copy was sent first class mail on the same date to the active parties on the attached list of parties of record.


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Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
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